

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:)
)
BANCORPSOUTH BANK, a Mississippi)
State Bank,) Cause No.: 4:11-CV-00373-JCH
Plaintiff,)
)
v.)
)
RVM PROPERTIES II, LLC, a Missouri)
Limited Liability Company, and RONALD)
W. MOORE, individually,)
Defendants.)

**MOTION TO TERMINATE RECEIVERSHIP AND GRANTING RECEIVER
AUTHORITY TO TURN OVER FUNDS TO THE BANKRUPTCY ESTATE**

COMES NOW Milhouse & Neal, LLP, solely in its capacity as Receiver for Ronald William Moore ("Receiver"), by and through its counsel, and moves this Court for an Order terminating the receivership created by this Court pursuant to its Order of April 23, 2013 and for authority to turn over all funds held in the possession of the Receiver pursuant to said Order. As grounds for this motion, the Receiver respectfully states as follows:

1. On April 23, 2013, an Order was entered in response to a motion filed by the Plaintiff Bancorpsouth Bank [Doc. No. 129], appointing Receiver as receiver of all of the assets, both real and personal, of Defendant Ronald Moore, including the following:

any businesses he owns an interest in, and to include, but is not limited to, all cash (notes and coins), leases, rents, stock certificates, earnest money and security deposits, profits and other incomes, purchase contracts and/or leases, rental payments, lease payments, late payments, rent rolls, royalties, receivables, books, papers, accounts, deposits, equities, insurance payments, condemnation awards, accounts receivable, bank accounts, operating accounts, records, files, reports, studies, options, contracts, agreements, permits, licenses, taps, checks, drafts, notes, documents, fixtures, furniture, appliances, supplies, construction materials,

goods, equipment, inventory, tax refunds, all intellectual property, motor vehicles, water craft, motorcycles, country club memberships, private club memberships, golf club memberships and other things and articles of any and all types and kinds except for Ronald W. Moore's Social Security payment which the Court has already permitted him to use for his personal living expenses.

2. On or about December 9, 2014, Defendant Ronald William Moore filed a voluntary petition for relief under Chapter 7 of Title 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Missouri, Eastern Division (the "Bankruptcy Court"), under case no. 14-49556-399. Tracy Brown is the duly appointed and qualified Trustee of the Debtor's bankruptcy estate ("Trustee").

3. As of July 10, 2015, Receiver was holding the sum of \$115,181.13 in an escrow account in the name of the receivership (the "Receivership Account"), as further evidenced by the Report of Receiver dated July 10, 2015, a true and accurate copy of which is attached hereto as Exhibit A and incorporated herein by this reference.

4. Since such time, Receiver has received a payment in the amount of \$500.00 and made a disbursement in the amount of \$360.00, such that Receiver is currently holding the sum of \$115,321.13 in the Receivership Account.

5. Upon information and belief, the entire sum held in the Receivership Account and all income received thereon constitutes property of the bankruptcy estate.

6. Aside from the Receivership Account, Receiver holds no other property of the receivership.

7. Receiver seeks authority to terminate the receivership created by this Court's Order of April 23, 2013 and to turnover to the Trustee on behalf of the bankruptcy estate any and all funds currently held in the Receivership Account, along with any and all receivership income and interest received by the Receiver prior to the entry of this Court's Order.

8. Receiver filed with the Bankruptcy Court a Motion to Approve Compromise and Settlement of Bankruptcy Court's Claims Against Receiver, seeking authority, pursuant to 11 U.S.C. § 542, to turnover to the Trustee on behalf of the estate any and all property in the Receivership Account, less that sum necessary to pay the Receiver's fees in accordance with the Order and the Receiver's reasonable attorney's fees, in an aggregate amount not anticipated to exceed \$5,000.00, in exchange for which the Trustee agrees to release, acquit, forever discharge the Receiver and its attorneys, employees, successors, assignees, officers and directors from all actions, causes of action, claims, demands, and damages, whether known or unknown.

9. On June 5, 2015, the Bankruptcy Court entered its Order compelling the Receiver to turn over to the Trustee on behalf of the estate any and all property in the Receivership Account, less that sum necessary to pay the Receiver's fees in accordance with the Order, together with the Receiver's reasonable attorney's fees. A true and accurate copy of said Order is attached hereto as Exhibit B and incorporated herein by this reference.

10. Receiver has been making payments as they come due to its attorneys and currently owes the sum of \$608.00 to Desai Eggmann Mason LLC ("DEM") as and for the balance due for its attorney's fees incurred in connection with this matter before both this Court and the Bankruptcy Court. The total attorney's fees paid and to be paid to DEM is in an aggregate amount less than \$5,000.00.

11. Receiver's outstanding fees due and owing in connection with this case are in the amount of \$1,490.00.

WHEREFORE, the premises considered, Receiver Milhouse & Neal, LLP prays this Court enter its Order terminating the receivership created by this Court's Order of April 23, 2013, ordering Receiver to pay the sum of \$608.00 to Desai Eggmann Mason LLC as and for the

balance due for its reasonable attorney's fees and the sum of \$1,490.00 to Milhouse & Neal, LLP as and for its fees in accordance with the Court's Order of April 23, 2013, and ordering Receiver to pay the remaining sum held in the Receivership Account in the amount of \$113,223.13, together with any additional income or interest hereafter received by the Receiver, to Tracy Brown, Trustee for Debtor Ronald William Moore in Case No. 14-49556-399 before the United States Bankruptcy Court for the Eastern District of Missouri, Eastern Division, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

DESAI EGGMANN MASON LLC

By: /s/ Robert E. Eggmann

ROBERT E. EGGMANN #37374MO
7733 Forsyth Boulevard, Suite 800
St. Louis, Missouri 63105
(314) 881-0800
Fax No. (314) 881-0820

ATTORNEYS FOR RECEIVER MILHOUSE & NEAL, LLP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading was served by electronic filing in the CM/ECF system of the United States Bankruptcy Court for the Eastern District of Missouri or via U.S. Mail, postage prepaid, this 20th day of August, 2015, upon: **Norman W. Pressman, Esq.** and **Robert A. Breidenbach, Esq.**, Goldstein and Pressman, 10326 Old Olive Street Road, St. Louis, MO 63141; **Tracy A. Brown, Trustee**, 1034 S. Brentwood Blvd., Suite 1830, St. Louis, MO 63117; **Bruce D. LeMoine, Esq.**, 7700 Forsyth Blvd., Suite 1800, St. Louis, MO 63105; **Angela Lynn Odlum, Esq.**, 7700 Forsyth Blvd., Suite 1800, St. Louis, MO 63105; and **Madelyn J. Lamb, Esq.**, Hinshaw and Culbertson, LLP, 521 West Main Street, Suite 300, Belleville, IL 62222.

/s/ Robert E. Eggmann

EXHIBIT A

Report of Receiver, Dated July 10, 2015



MILHOUSE NEAL, LLP
CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

40 WELDON PARKWAY
MARYLAND HEIGHTS, MO 63043
314.995.6900 314.995.6903
www.mn-cpa.com

July 10, 2015

The Honorable Jean C. Hamilton
U.S. District Court for the Eastern District of Missouri
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street
St. Louis, MO 63102

Case: 4:11-CV-00373-JCH
Response to Order Appointing Receiver:
– Receipts and Expenditures in Association with the Receivership

Dear Judge Hamilton:

We are the appointed receiver of the assets of Ronald W. Moore and RWM Properties II, LLC in the above-named case.

Since the date of our last letter dated April 13, 2015 through the date of this letter, we received \$1,500.00 and disbursed \$5,733.83 in approved payments. The balance currently held in escrow is \$115,181.13.

Respectfully,

MILHOUSE & NEAL, LLP

A handwritten signature in black ink that reads "Mark O. Neal".

By: Mark O. Neal, CPA, CGMA
Partner

cc: Madelyn J. Lamb, Hinshaw & Culbertson LLP, Attorneys for Plaintiff

Norman W. Pressman, Goldstein & Pressman, P.C., Attorneys for Defendants

Robert E. Eggmann, Desai Eggmann Mason, LLC, Attorneys for Receiver

Tracy A. Brown, Law Office of Tracy A. Brown, P.C., Chapter 7 Trustee

EXHIBIT B

Bankruptcy Court Order, Dated June 5, 2015

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:) In Proceedings Under Chapter 7
RONALD WILLIAM MOORE,)
Debtor.) Case No.: 14-49556-399
) Re: mtn 35
) ORDER APPROVING THE
) COMPROMISE AND SETTLEMENT OF
) BANKRUPTCY ESTATE'S CLAIMS
) AGAINST RECEIVER, PURSUANT TO
) 11 U.S.C. §542(a)

**ORDER APPROVING THE COMPROMISE AND SETTLEMENT OF BANKRUPTCY
ESTATE'S CLAIMS AGAINST RECEIVER, PURSUANT TO 11 U.S.C. § 542(a)**

This matter is before the Court on the Trustee's Motion to Approve the Compromise and Settlement of the Bankruptcy Estate's Claims Against Receiver, Pursuant to 11 U.S.C. § 542(a) (the "Motion"). Notice having been provided and no objections having been filed, it is accordingly

ORDERED that the Motion to Compromise Controversy be and it is hereby **GRANTED** and the Settlement is **APPROVED** in that this controversy is settled in consideration for the turnover of any and all of the funds currently held by Receiver in the Receivership Account, less that sum necessary to pay the fees of the Receiver in accordance with the Order and the Receiver's reasonable attorney's fees, pursuant to the terms and conditions set forth in the Motion and Notice to Creditors. It is further ordered that Receiver shall file a Motion to Terminate the Receivership in the District Court Case.

DATED: Jun 05, 2015
St. Louis, Missouri
wma


Barry S. Schermer
United States Bankruptcy Judge

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Order Prepared By:

Robert E. Eggmann
Desai Eggmann Mason LLC
7733 Forsyth Boulevard, Suite 800
St. Louis, Missouri 63105
(314) 881-0800
(314) 881-0820 Fax

Copies mailed to:

Robert A. Breidenbach
Goldstein and Pressman
10326 Old Olive Street Road
St. Louis, MO 63141-5922

Ronald William Moore
8300 Delmar Blvd, Unit 516
St. Louis, MO 63124

Tracy A. Brown
1034 S. Brentwood Blvd., Ste 1830
St. Louis, MO 63117

Office of US Trustee
111 S Tenth St, Ste 6.353
St. Louis, MO 63102

Robert E. Eggmann
Desai Eggmann Mason LLC
7733 Forsyth Boulevard, Suite 800
Clayton, MO 63105